

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE:

KAISER ALUMINUM CORP., et al., : Bankruptcy Case No. 02-10429
: (JFK)

Debtors.

IN RE:

KAISER ALUMINUM CORP., et al., : Misc. Case No. 06-41-JJF

Debtors.

MEMORANDUM ORDER

Pending before the Court is the Joint Motion Of Debtors And Debtors In Possession And Their Principal Creditor Constituencies For Consolidation Of Appeals, For Waiver Of Mediation Requirement And For An Expedited Hearing On Confirmation Findings And Confirmation Order (D.I. 5). Pursuant to D. Del. L.R. 7.1.2, responses to the Motion were due by March 31, 2006. A Response (D.I. 7) to the Motion was filed by all Appellants, except Duncan J. McNeil, III, who is appearing in this action pro se, and Appellants First State Insurance Company, Hartford Accident & Indemnity Company, New England Reinsurance Corporation and Nutmeg Insurance Company. Accordingly, the Court will proceed to resolve the Motion based on the submissions received by the Court to date.

By separate Memorandum Order (D.I. 8), the Court granted the Debtors' request for consolidation. As a result, two issues

remain for resolution by the Court: (1) whether the mandatory mediation requirement should be waived, and (2) whether these consolidated cases should proceed on an expedited basis without further briefing and with a hearing to be held by the Court before April 10, 2006.

Those Certain Insurers who have responded to the Debtors' Motion have agreed to waive the mediation requirement. In addition, the Court is persuaded, based on the nature of the parties' dispute and the specific legal issues raised by the parties, that mediation would be inefficient and unproductive. Accordingly, the Court will grant the Debtors' Motion insofar as it seeks a waiver of the mandatory mediation requirement.

As for the Debtors' request for an expedited hearing and expedited treatment of these consolidated cases, the Court declines to proceed in the manner suggested by the Debtors. In the Court's view, additional submissions by the parties are necessary to a full adjudication of the issues in this Court. However, the Court is persuaded that such submissions can be made on a modified schedule so that some measure of expedited treatment may be afforded to these cases.

NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The Joint Motion Of Debtors For Waiver Of Mediation Requirement (D.I. 5-2) is GRANTED.

2. The Joint Motion Of Debtors For An Expedited Hearing On

Confirmation Findings And Confirmation Order (5-3) is **DENIED**.

3. In lieu of formal briefing, the parties shall submit memoranda on the issues presented in these consolidated cases on the following schedule:

a. Opening Memoranda shall be due **ten (10) days from the date of this Order.**

b. Answering Memoranda shall be due **ten (10) days after the filing of the Opening Memoranda.**

c. Any Reply Memoranda shall be due **five (5) days after the filing of the Answering Memoranda.**

4. A hearing will be held on **Thursday, May 11, 2006, at 12:30 p.m.** in Courtroom 4B, on the 4th Floor, Boggs Federal Building, Wilmington.

April 3, 2006
DATE


UNITED STATES DISTRICT JUDGE